

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William R. Hambrecht et al.      Art Unit : 2164  
Serial No. : 09/347,949      Examiner : Charles Kyle  
Filed : July 6, 1999  
Title : AUCTION SYSTEM AND METHOD FOR PRICING AND ALLOCATION  
DURING CAPITAL FORMATION

Commissioner for Patents  
Washington, D.C. 20231

REVOCATION AND NEW POWER OF ATTORNEY

Under 37 CFR §3.73(b) W.R. HAMBRECHT + CO., LLC, a California corporation, certifies that it is the assignee of 100% of the right, title and interest in the patent application identified above by virtue of:

☒ An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 010292, Frame 0981 on October 7, 1999. A copy of the recorded Assignment is attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

The undersigned, acting on behalf of the assignee, hereby revokes all powers of attorney previously granted in the application and appoints:

John F. Hayden, Reg. No. 37,640; Joseph F. Key, Reg. No. 44,827; W. Karl Renner, Reg. No. 41,265; Scott R. Boalick, Reg. No. 42,337; Andrew F. Bodendorf, Reg. No. 39,537; Joseph V. Colaiaanni, Jr., Reg. No. 39,948; John F. Conroy, Reg. No. 45,485; Ruffin B. Cordell, Reg. No. 33,487; Christopher A. Cotropia, Reg. No. 47,501; Lauren A. Degan, Reg. No. 40,584; Diana DiBerardino, Reg. No. 45,653; Brian J. Dorini, Reg. No. 43,594; Benjamin D. Driscoll, Reg. No. 41,571; Harold H. Fox, Reg. No. 41,498; William D. Hare, Reg. No. 44,739; Linda Liu Kordziel, Reg. No. 39,732; Phyllis K. Kristal, Reg. No. 38,524; Michael J. McKeon, Reg. No. 37,888; Heather Morin, Reg. No. 37,336; James E. Mrose, Reg. No. 33,264; Thomas A. Rozyłowicz, Reg. No. P-50,620; Shailaja M. Shirodkar, Reg. No. 50,171; Rene D. Tegtmeyer, Reg. No. 33,567; Mark E. Wadzyk, Reg. No. 45,187; Gregory A. Walters, Reg. No. 41,366; R. Whitney Winston, Reg. No. 44,432

FISH & RICHARDSON P.C.  
1425 K Street, N.W.

Applicant : William R. Hambrecht et al  
Serial No. : 09/347,949  
Filed : July 6, 1999  
Page : 2

Attorney's Docket No.: 13085-007001

11th Floor  
Washington, DC 20005-3500

with full power of substitution and revocation, to prosecute the application and to transact all business in the United States Patent and Trademark Office connected therewith.

All correspondence regarding the application should be sent to:

John F. Hayden  
FISH & RICHARDSON P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 10/02/2002

  
GREGORY HARTMANN, ESQ.  
General Counsel

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331

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JANUARY 04, 2000

MORRISON & FOERSTER LLP  
DOUGLAS G. HODDER  
425 MARKET STREET  
SAN FRANCISCO, CA 94105-2482



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

PTAS RECEIVED BY

JAN 10 2000

MORRISON & FOERSTER



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UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/07/1999

REEL/FRAME: 010292/0981  
NUMBER OF PAGES: 7

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HAMBRECHT, WILLIAM R.

DOC DATE: 09/28/1999

ASSIGNOR:

HANSSON, OTHAR

DOC DATE: 09/28/1999

ASSIGNOR:

HAYES, JORDAN

DOC DATE: 09/28/1999

ASSIGNOR:

KATZ, ALAN

DOC DATE: 09/27/1999

ASSIGNOR:

OCHERET, CHARLES

DOC DATE: 09/28/1999

ASSIGNOR:

REGAN, MATT

DOC DATE: 09/28/1999

010292/0981 PAGE 2

ASSIGNEE:

W.R. HAMBRECHT & CO.

550 15TH STREET

SAN FRANCISCO, CALIFORNIA 94103

SERIAL NUMBER: 09347949

PATENT NUMBER:

FILING DATE: 07/06/1999

ISSUE DATE:

STEVEN POST, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

COPY

## ASSIGNMENT JOINT

THIS ASSIGNMENT, by William R. Hambrecht, residing at 2500 Steiner Street, San Francisco, California 94115, Othar Hansson, residing at 2900 Seriana Place, Union City, California 94587, Jordan Hayes, residing at 2120 Sixth Street, #8, Berkeley, California 94710, Alan Katz, residing at 4369 San Carlos, Dallas, Texas 75205, Charles Ocheret, residing at 46 Andrea Lane, Scarsdale, New York 10583 and Matt Regan, residing at 135 Morning Star Circle, Wayne, Pennsylvania 19087 (hereinafter referred to as the assignors) witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in AUCTION SYSTEM AND METHOD FOR PRICING AND ALLOCATION DURING CAPITAL FORMATION set forth in an application for Letters Patent of the United States, bearing Serial No. 09/347,949 and filed on July 6, 1999; and

WHEREAS, W. R. Hambrecht & Co., a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 550 15th Street, San Francisco, California 94103 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

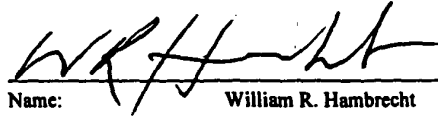
AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successor, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

9-28-99

Date



Name:

William R. Hambrecht

Date

Name:

Othar Hansson

Date

Name:

Jordan Hayes

Date

Name:

Alan Katz

Date

Name:

Charles Ocheret

Date

Name:

Matt Regan

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Date

9/28/99

Name:

William R. Hambrecht

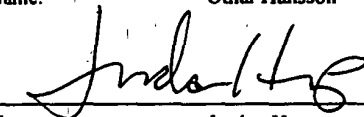


Date

9/28/1999

Name:

Othar Hansson



Date

Name:

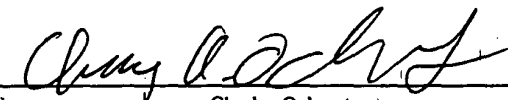
Jordan Hayes

Date

9/29/99

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Date

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Name:

Matt Regan

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Date \_\_\_\_\_ Name: Othar Hansson

Date \_\_\_\_\_ Name: Jordan Hayes

Date 9/27/99 Name: Alan Katz

Date \_\_\_\_\_ Name: Charles Ocheret

Date \_\_\_\_\_ Name: Matt Regan



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WHEREAS, said assignors have invented certain new and useful improvements in AUCTION SYSTEM AND METHOD FOR PRICING AND ALLOCATION DURING CAPITAL FORMATION set forth in an application for Letters Patent of the United States, bearing Serial No. 09/347,949 and filed on July 6, 1999; and

WHEREAS, W. R. Hambrecht & Co., a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 550 15th Street, San Francisco, California 94103 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successor, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

Date \_\_\_\_\_ Name: William R. Hambrecht

Date \_\_\_\_\_ Name: Othar Hansson

Date \_\_\_\_\_ Name: Jordan Hayes

Date \_\_\_\_\_ Name: Alan Katz

Date \_\_\_\_\_ Name: Charles Ocheret

Date 9.28.99  Name: Matt Regan

<b>CHANGE OF CORRESPONDENCE ADDRESS Application</b>  Address to: Commissioner for Patents Washington, D.C. 20231	<b>Applicati n Number</b>	09/347,949
	<b>Filing Date</b>	July 6, 1999
	<b>First Named Inventor</b>	William R. Hambrecht et al.
	<b>Group Art Unit</b>	2164
	<b>Examiner Name</b>	Charles Kyle
	<b>Attorney Docket Number</b>	13085-007001

10/632818

08/04/03

Please change the Correspondence Address for the above-identified application to:	
<input type="checkbox"/> Customer Number	<div style="border: 1px solid black; width: 150px; height: 20px; display: inline-block;"></div> → <div style="border: 1px solid black; padding: 5px; text-align: center;">Place Customer Number Bar Code Label here</div>
Type Customer Number here	
<b>OR</b>	
<input checked="" type="checkbox"/> <b>Firm or Individual Name</b>	Fish & Richardson P.C.
<b>Address</b>	1425 K Street, N.W. 11th Floor Washington, DC 20005-3500
<b>Country</b>	United States of America
<b>Telephone</b>	(202) 783-5070
<b>Fax</b>	(202) 783-2331
<p>This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).</p> <p>I am the :</p> <p><input type="checkbox"/> Applicant/Inventor.</p> <p><input type="checkbox"/> Assignee of record of the entire interest. Certificate under 37 CFR 3.73(b) is enclosed.</p> <p><input checked="" type="checkbox"/> Attorney or agent of record.</p> <p><input type="checkbox"/> Registered practioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number <u>44,827</u></p>	
Typed or Printed Name <u>John F. Hayden, Reg. No. 37,640</u> <i>for</i>	
Signature <u>Joseph F. Key</u> <u>Joseph F. Key 44,827</u>	
Date <u>10/03/2002</u>	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.	
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.	

**DECLARATION FOR UTILITY PATENT APPLICATION**

AS A BELOW-NAMED INVENTOR, WE HEREBY DECLARE THAT:

Our residence, post office address, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: AUCTION SYSTEM AND METHOD FOR PRICING AND ALLOCATION DURING CAPITAL FORMATION, the specification of which is attached hereto unless the following box is checked:

☐ was filed on July 6, 1999 as United States Application Serial No. 09/347,949.

WE HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
*			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/139,511	June 15, 1999

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Sanjay Bagade (Reg No. 42,280)	Erwin J. Basinski (Reg No. 34,773)
Richard R. Batt (Reg No. 43,485)	Frank P. Becking (Reg No. 42,309)
Sean Brennan (Reg No. 39,917)	Barry E. Bretschneider (Reg No. 28,055)
Nicholas Buffinger (Reg No. 39,124)	Jingming Cai (Reg No. P-44,579)
Alan W. Cannon (Reg No. 34,977)	Mark R. Carter (Reg No. 39,131)
Robert K. Cerpa (Reg No. 39,933)	Thomas Chuang (Reg No. P-44,616)
Thomas E. Ciotti (Reg No. 21,013)	Steven X. Cui (Reg No. P-44,637)
Matthew M. D'Amore (Reg No. 42,457)	Raj S. Davé (Reg No. 42,465)
Stephen C. Durant (Reg No. 31,506)	Carolyn A. Favorito (Reg No. 39,183)
Hector Gallegos (Reg No. 40,614)	Franklin Y. Han (Reg No. 41,055)
Douglas Hodder (Reg No. 41,840)	Charles D. Holland (Reg No. 35,196)
Peter Hsieh (Reg No. P-44,780)	Madeline I. Johnston (Reg No. 36,174)
Richard D. Jordan (Reg No. 33,519)	Ararat Kapouytian (Reg No. 40,044)
Phanesh B. Koneru (Reg No. 40,053)	Kawai Lau (Reg No. 44,461)
Susan K. Lehnhardt (Reg No. 33,943)	Richard H. Lilley (Reg No. 42,803)
David C. Liu (Reg No. P-43,755)	Wen Liu (Reg No. 32,822)
David C. Lundmark (Reg No. 42,815)	Harry J. Macey (Reg No. 32,818)
Michael J. Mauriel (Reg No. 44,226)	Thomas D. Mays (Reg No. 34,524)
Gladys H. Monroy (Reg No. 32,430)	Kate H. Murashige (Reg No. 29,959)
Catherine M. Polizzi (Reg No. 40,130)	William C. Revelos (Reg No. 42,101)
Paul J. Riley (Reg No. 38,596)	Robert Saltzberg (Reg No. 36,910)
Debra A. Shetka (Reg No. 33,309)	Kevin R. Spivak (Reg No. 43,148)
Suzannah K. Sundby (Reg No. 43,172)	E. Thomas Wheelock (Reg No. 28,825)
Thomas G. Wiseman (Reg No. 35,046)	Karen K. Wong (Reg No. 44,409)
Frank Wu (Reg No. 41,386)	

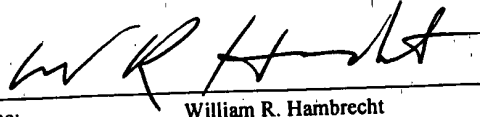
Please direct all communications to:

Douglas G. Hodder  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105-2482

Please direct all telephone calls to Douglas G. Hodder at (415) 268-6913.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

9-28-99



Date

Name: William R. Hambrecht  
Residence: San Francisco, California 94115  
Citizenship: USA  
Post Office Address: 2500 Steiner Street

Date

Name: Othar Hansson  
Residence: Union City, California 94587  
Citizenship: USA  
Post Office Address: 2900 Seriana Place

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Name: Jordan Hayes  
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Citizenship: USA  
Post Office Address: 2120 Sixth Street, #8

Date

Name: Alan Katz  
Residence: Dallas, Texas 75205  
Citizenship: USA  
Post Office Address: 4369 San Carlos

Date

Name: Charles Ocheret  
Residence: Scarsdale, NY 10583  
Citizenship: USA  
Post Office Address: 46 Andrea Lane

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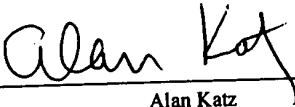
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9/27/99  
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9.30.99

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Date \_\_\_\_\_

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side